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Counsel to Bradley D. Sharp, Chapter 11 Trustee

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re

LESLIE KLEIN,

Debtor.

Case No.: 2:23-bk-10990-SK

Chapter 11

**ORDER GRANTING MOTION OF
CHAPTER 11 TRUSTEE AUTHORIZING
THE EXAMINATION OF AXOS
FINANCIAL, INC. D/B/A/ AXOS BANK,
AXOS CLEARING LLC AND AXOS INVEST,
INC. PURSUANT TO FED. R. BANKR. P.
2004**

[No Hearing Required]

On August 16, 2023, Bradley D. Sharp, the duly appointed chapter 11 trustee (the “Trustee”), filed his *Notice of Motion and Motion of Chapter 11 Trustee, for Order Authorizing the Examination of Axos Financial, Inc. d/b/a Axos Bank, Axos Clearing LLC and Axos Invest, Inc. Pursuant to Fed. R. Bankr. P. 2004; Memorandum of Points and Authorities; Declarations of Bradley D. Sharp, Nicholas Troszak and Jeffrey P. Nolan in Support Thereof* (the “Motion”) [Docket No. 260]. The Court, having considered the Motion, the accompanying Memorandum of Points and Authorities, the Declarations in support of the Motion, the exhibits thereto, and based on its review and consideration, the Court finds that (i) notice of the Motion was adequate and appropriate, and no further or other notice need be given; (ii) the authority requested by the Trustee to issue a subpoena

substantially in the form identified in the Motion is appropriate; and (iii) good cause exists to grant the Motion.

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED in its entirety;

2. The Trustee is authorized, pursuant to sections 105(a) and 1106(a)(3) of title 11 of the United States Code (the “Bankruptcy Code”), Rules 2004 and 9016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Bankruptcy Rule 2004-1, to issue and serve a subpoena substantially in the form attached to the Motion, Exhibit I, to compel the attendance of the Proposed Examinee, Axos Financial, Inc. d/b/a Axos Bank, Axos Clearing LLC and Axos Invest, Inc. (“Axos”), for production and testimony on the dates stated therein or such other date as is mutually agreed between Axos and the Trustee;¹

3. The Trustee shall serve the Rule 2004 Subpoena and a copy of this Order on (i) Axos and (ii) the United States Trustee for the Central District of California and shall file with the Court an affidavit or declaration of service of the Rule 2004 Subpoena;

4. In the event of any discovery dispute in relation hereto, counsel and Axos shall first meet and confer in an effort to resolve the dispute in accordance with Local Bankruptcy Rule 7026;

5. This order is without prejudice to the Trustee’s right to file further motions seeking additional documents or testimony pursuant to Bankruptcy Rule 2004(a) or any other applicable Bankruptcy Rules; and

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¹ Capitalized terms used herein shall have the same meanings ascribed to them in the Motion.

1 6. This Court shall retain jurisdiction to resolve any dispute arising from or related to
2 this order, including any discovery disputes that may arise between or among the parties, and to
3 interpret, implement and otherwise enforce the provisions of this order.

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23 Date: September 15, 2023
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Sandra R. Klein
United States Bankruptcy Judge